

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN J. WAGNER,

Plaintiff,

-against-

LUZON OIL CO., INC. d/b/a LUZON
ENVIRONMENTAL SERVICES, and NORESCO,
LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/23/2020

16-CV-8758 (NSR)

ORDER OF DISMISSAL

NELSON S. ROMÁN, United States District Judge:

Plaintiff John J. Wagner (“Plaintiff”) commenced the present personal injury suit on November 10, 2016, alleging that Defendants Luzon Oil Co., Inc. d/b/a Luzon Environmental Services and Noresco, LLC (together, “Defendants”) are liable for injuries suffered by Plaintiff on July 28, 2014 during a construction accident in Otisville, New York. (*See* Complaint, ECF No. 1.)

On March 11, 2020 the Court issued an Order to Show Cause (“OSC”) why this action should not be dismissed for want of prosecution. (ECF No. 2.) In the OSC, the Court delineated Plaintiff’s failure to prosecute his claims, including Plaintiff’s failure to respond the Court’s electronic docketing service notification that the pleading was deficient and instructions to re-file the pleading. (*Id.*) Plaintiff was granted until March 25, 2020, to demonstrate to the Court that he had not abandoned his claims and was taking diligent steps to prosecute them. (*Id.*) Plaintiff has failed to communicate with the Court or otherwise respond to the OSC. Accordingly, due to Plaintiff’s failure to prosecute this action, the action is dismissed pursuant to Fed R. Civ. P. 41(b).

The Clerk of Court is respectfully directed to terminate this action.

Dated: October 23, 2020
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a light gray rectangular background.

NELSON S. ROMÁN
United States District Judge